

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

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|--|---|-------------------------|
| Board of Trustees of Iron Workers, etc., et al., |) | CASE NO. 1:07CV00079 |
| |) | |
| Plaintiffs, |) | |
| |) | JUDGE CHRISTOPHER BOYKO |
| vs. |) | |
| |) | <u>ORDER</u> |
| A.G. Stafford Company, Inc., et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

On January 11, 2007, the plaintiffs filed the above-entitled action. The record indicates that the plaintiffs have failed to serve the defendants as required by the Federal Rules of Civil Procedure. Once a plaintiff has commenced an action in the federal courts, the burden is upon that party to obtain service of process upon each defendant. To effectuate service upon a defendant, the plaintiff is required by the Civil Rules to act in a reasonable and diligent manner. Specifically, Rule 4(m) of the Federal Rules of Civil Procedure provides:

(m) Time Limit for Service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected with a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

Because there is nothing in the record to show why the plaintiffs were unable to obtain service upon the defendants within 120 days, the Court notifies the plaintiffs that unless good cause is shown for failure to serve said defendants as provided under the Rules, this case will be dismissed without prejudice on May 11, 2007.

IT IS SO ORDERED.

Dated: 4/19/07

FILED

APR 19 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND

Christopher A. Boyko

CHRISTOPHER BOYKO
UNITED STATES DISTRICT JUDGE